

MEMORANDUM

TO: House Committee on Human Services

FROM: Lauren Layman, General Counsel

DATE: March 19, 2026

SUBJECT: S.210 An act relating to access to autopsy reports

The Vermont Department of Health has no concerns with S. 210. The bill reflects the current practices of the Office of the Chief Medical Examiner (OCME) and the Department's understanding of the law.

As an office within the Agency of Human Services, Department of Health, the OCME is a [HIPAA-covered entity](#), and its autopsy reports and other records that contain individually-identifiable health information are [Protected Health Information](#). As required by HIPAA, the OCME discloses autopsy reports upon receipt of a court order or request of the personal representative of the decedent, which is (1) the court-appointed executor or administrator of the decedent's estate; and (2) the decedent's heir(s) at law, as determined by Chapter 42 of Title 14. S. 210 requires the disclosure of autopsy reports consistent with this current practice. Vermont law currently restricts the OCME from disclosing an autopsy report upon request if there is a pending prosecution or investigation into a crime. Subsection (b)(2) of S. 210 addresses this concern by requiring notice to the OCME and the State's Attorney when someone petitions the Probate Court for an autopsy report.

Section (b)(2) of S. 210 also provides options for individuals to obtain a court order for an autopsy report. Currently, individuals who aren't the decedent's personal representative can obtain a court order for an autopsy report through the Probate Division (through an existing estate or by opening an estate) or through the Civil Division (through Civil Rule 74 or 75 or other injunctive relief). S. 210 will allow individuals to petition the probate court without the additional steps of opening an estate or seeking an appeal or injunction. As under current law and practice, the OCME will continue to disclose autopsy reports in response to court orders.

Thank you for this opportunity to submit testimony on S. 210. We look forward to additional discussions.

